FOR MYSORE STATE

Home (1954) Department.

Ms. SERIES.

G.O. No. 2657

Dated 4. 9. 54

[Despatch Abstract.]

Criminal Procedure Code - Section 196 - Offences under Sec 294 A.I.P.C. Prosecution Sanctioned D Devaraja Shetty

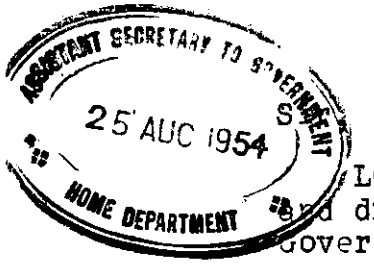
Ref.C.No.5177-54-C5. Office of the Addl.Dt.Magistrate(I)
S.Kanara dated 19.8.54.

From

Sri V.Seetharama Servai,B.A.
Addl.Dt.Magistrate (I) South Kanara.

To

The Secretary to
Government,
Home Department,
Fort St. George Madras
9.



LOTTERIES: Publication of proposals for drawal of lotteries and drawal of lotteries without authorisation of state Government--offence under section 294A. I.P.C- sanction to prosecute Sri A.Devaraya Shenoy- requested.

I enclose a copy of the letter R.C.No.10191/54.C1 dated 5.8.54 received from the District Superintendent of Police South Kanara with its enclosures. As the purpose of the lottery was merely to increase the business in the hotel and thus make undue profits, I consider that prosecution is quite necessary in this case. I request that the Government may be pleased to accord sanction to prosecute Sri A.Devaraya Shenoy,Manager 'Taj Mahal' Hotel, Udipi, South Kanara under section 294A. I.P.C

Yours faithfully,

For Addl.Dt.Magistrate(I)

113248/27/54

Enclosure I.
IC/20.8.54.

R.C.No. C1/10191/54.

Office of the
Dt. Supdt. of Police, S.K.,
P.B.No. 145, Mangalore-1,
D/-5-8-54.

From

Sri O. A. Muthusamy, B.A.,
Dt. Supdt. of Police,
South Kanara,
Mangalore - 1.

To

The Addl.Dt.Magistrate (Ind.)
South Kanara,
Mangalore.

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Sir,

Sub:-Lottery - Publication of proposals for the drawal of lotteries without the authorization of the State Govt. and drawal of lotteries - offence u/s 294A. IPC. - Sanction u/s 196 Cr.P.C. to prosecute Sri A. Devaraya Shenoy, Proprietor and Manager, The Taj Mahal Hotel, Udipi and to authorise Udipi Police u/s 155 Cr.P.C. to investigate the case - orders requested.

SOUTH KANARA COLLECTOR'S OFFICE
11 AUG 1954
No.

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A | Sri A. Devaraya Shenoy, Proprietor and Manager of the Taj Mahal Hotel, Udipi, has widely published in the Kannada Dailies known as "Prakash" and "Samachara" and a monthly paper "Chithravani" and in printed hand bills, that cycles, Radios, wrist watches, Pens, Rice Mooras, Sarees, books costing Rs.5/- and several other prizes would be paid to his customers who draw the lucky ticket. These coupons are issued free to the customers who purchase articles to the extent of As.0-4-0 and above with effect from 1-6-54 and the lottery is advertised to be drawn on every Sunday thereafter.

2) The following local Kannada newspapers, the hand bill and 2 sample coupons pertaining to the lottery in question are enclosed herewith for favour of reference.

(1) "Prakash" dated 26-6-54.
(2) "Samachar" dated 25-6-54.
(3) "Chitravani" for July 54.
(4) One printed hand bill (name of the Printing Press not noted)
(5) Two coupons Nos. 16408, 14827.

B | A numbered ticket is issued free to customers who take refreshments of and above as.0-4-0 only and not to others who take less than four annas worth of things. There was enormous sale in this hotel owin to the advertisements to the detriment of other hotel keepers of Udipi town.

3) The action of the proprietor and manager Sri A.Devaraya Shenoy in running this lottery which is not a "State lottery" or a lottery authorised by the State is an offence punishable u/s 294A. IPC. A.P.P.I who was consulted in the matter is of opinion that the above individual has committed an offence under second part of sec.294A. IPC. which requires the sanction of the local Government before launching prosecution.

4) Under the circumstances, I request you kindly to move the State Government to accord sanction to prosecute Sri A.Devaraya Shenoy, the proprietor and manager of the Hotel referred to herein u/s 196Cr.PC.

5) I also request you, in the meanwhile, to authorise Udipi Police u/s 155 Cr.PC. to register a case and investigate.

Dt.Supdt: of Police, SK
2/8/54

Encls:-3 Newspapers.
1 handbill.
2 coupons Nos.16408 and 14827
MKP/7/8.

I

C.No. 113248/54. Home (Cts II) Sepl.

G.O. Ms. No. 2657 dated 4-9-54.

Two Drafts.

Criminal Procedure Code - Section 196 - Offences under Section 294-A. I.P.C. - Prosecution of A. Devaraya Shenoy - Sanctioned.

Read:

From the Collector, South Kanara No. 5177-54-C5 dt. 19-8-54.

ORDER.

Whereas information has been received that A. Devaraya Shenoy, Proprietor and Manager, 'Taj Mahal' Hotel, Udipi was keeping an office or place for the purpose of drawing a lottery, styled "Taj Mahal Competitions" at Taj Mahal Hotel, Udipi, South Kanara district not being a State lottery or a lottery authorised as specified in Section 294-A. of the Indian Penal Code, 1860 (Central Act XLV of 1860) and that he published proposals relating to the said lottery in circumstances constituting the acts of the said Devaraya Shenoy, offences punishable inter alia under the said Section 294-A.

Now, therefore, in exercise of the powers conferred by section 196 of the Code of Criminal Procedure, 1898 (Central Act V of 1898), the Governor of Madras hereby orders that a complaint be made against the said Devaraya Shenoy in respect of the offences aforesaid.

By order of the Governor,

P.T.O. for Draft II

To the Collector, South Kanara. (with one spare copy)
" I.G. of Police, Madras (2 copies)
" Public Prosecutor, South Kanara
(F.Cs to be prepared for D.S.'s signature)

Copy to S.F.

29

II

Home (Cb II) Dept

Memo No. 113248 Cb II/54-1 dated 29.54.

Sub: Criminal Procedure Code - Section 196 - Prosecution of A. Devaraya Shenoy for offences under Section 294 A.I.P.C.

Ref: G.O.Ms.No.2157 dated 4.9.54. Draft I placed (to be put up before ...)

The Collector, South Kanara is referred to the G.O cited and he is requested to depute a suitable officer to prefer a complaint under Section 294 A.I.P.C. against Devaraya Shenoy.

To

The Collector of South Kanara.

28/8/54 — 28454

2 Sep 54

Note: Drafts I and II above are submitted for approval. May be sent to Law for scrutiny of Draft I ~~enclosed~~ above.

28/8/54 — 28884

Law

Law

Home U.O. 113248 Cb II/54-1 dated 28.8.54

LAW (SCRUTINY) DEPARTMENT.

The slight alterations indicated in red ink on the draft order may be made.

31.8.54.

31.8.54

Home

ASSISTANT SECRETARY 30 AUG 1954 13399 LAW DEPARTMENT, MADRAS

Law U.O. 13399/54-1 31.8.54

ASSISTANT SECRETARY TO GOVERNMENT 116237/54 31 HOME DEPARTMENT

Home (Cts II) Dept

Please see the notes of the Laws dept on p/2 ante. The drafts one p/n 1 and 2 ante may now issue.

With reference to the instructions in the Public U.O. Note at (F) ~~Hon'ble Ministers' order papers are not necessary~~ no order paper is sent up

(F) U.O. Note No 951/54-4 Home (Services-C) dept dated 25.8.54.

PW 1/9/54.

fds 29/8/54

DS

th 29.54

D.S.

~~Is it not usual for a copy of the opinion of the local Law Officer to be sent to Govt. with the records?~~

DS. 2 Sept 54.

With reference to D.S's query above it is submitted that usually the Collectors forward to Govt a copy of the opinion of the local P.P., when submitting proposals for sanctioning prosecution u/s 196 Cr.P.C In this case the Collr has not forwarded to Govt a copy of the opinion. But the D.S.P, South Kanara in his letter to the A.D.M., has stated that "A.P.P.I who was consulted in the matter is of opinion that the above individual (Sri A. Devaraya Shenoy) has committed an offence under second part of Sec. 294-A I.P.C which requires the sanction of the

para 3, p 3 Cf

local Govt. before launching prosecution" - vide para 3, p 3 cf.. This report seems to be sufficient for our purpose. For orders.

3.9.54

3/9/54

~~D S~~

Drafts approved Please put up

F. Cs.

4 Sep 54.

I agree.

4 Sep 54

D.S

Home (Ch II) Dept.

C.No. 122515/54.

Memo No. 22515 Ch II/54-1 dated 17.9.54

Sub: Cr.P.C. – Section 196 – Prosecution of A. Dev
raya Bhanag for an offence under Sect
294-A. I.P.C. – Copy of G.O.Ms. 2657 Hom
dated 4.9.54 and enclosures sent.

Ref: From the Collector, S. Kanara C.No.5177-16 d/15.9.

Two Copies of the G.O.Ms 2657 Home d. 4.9.54 an
forwarded
~~Enclosed~~ to the Collector, S. Kanara.

The enclosures sent with his letter C.No.5177-54
dated 19.8.54 ~~from the Collector of South Kanara~~ are ret
returned.

By order,

17.9.54

To

The Collector, S. Kanara.

(with two copies of G.O.2754(A).
and Nr.5-26 of 54(A) in orig.

Dept. 28/9

Ref.C.No.C5.5177-54. Office of the Addl.Dt.Magistrate(I)
South Kanara dated 13.9.54.

From

Sri V.Seetharama Servai,B.A.
Addl.Dt.Magistrate(I) South Kanara.

To

The Secretary to
Government,
Home Department,
Fort St.George,Madras

Sir

Sub: CRIMINAL PROCEDURE CODE--Section 196- Prosecution of A.Devaraya Shenoy for an offence under section 294 Cr.P.C- Copy of G.O.Ms.No.2657 Home dated 4.9.54.- Requested.

Ref: Government Memo No.113248 Cts.II/54 dated 6.9.54.

I have not received the G.O.Ms.No.2657 Home dated 4.9.54, referred to in the Government Memo cited. Two copies of the G.O. may be sent to me for further action.

2. The enclosures sent with my letter No.C5.5177-54 dated 19.8.54 may also kindly be returned.

Yours faithfully,

13.9.54.
For Addl.Dt.Magistrate(I)

IC/13.9.54.